Range Management and the Forest Practices Code

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Table of Contents

Range Management and the Forest Practices Code **1**
Introduction — How to use this booklet 1
Learning more 2
Part 1 — British Columbia's Forest Practices Code **2**
What is the Forest Practices Code? 2
What the code means for range use 2
Guiding principles of range use in British Columbia 3
Part 2 — Legislation and a framework **4**
Legislation and guidebooks most pertinent to Crown range 4
Types of legislation: acts, regulations, standards, and guidebooks 4
Legislation and range use 5
How the code works to improve forest and range management and practices 7
Part 3 — Plans, operations and practices under the Forest Practices Code **8**
Range use plans 8
Range use plan content 9
Plan amendments 10
Public and agency review and comment 11
Desired plant communities 12
Developments 12
Consent to construct a range development 12
Limiting the spread of noxious weeds 13
Range management in community watersheds 13
Removal of livestock from an area under silviculture prescription 14
Range management in riparian areas 14
Identifying livestock 15
Use of fire 15
Private land 15
Other rights and responsibilities 15
Part 4 — If you don't comply **16**
Enforcement, fines, penalties, and appeals 16
If you disagree 17
Audits, investigations and public complaints 18
Part 5 — Where to turn **19**
Resources 19
Part 6 — Working definitions **26**
Appendix — Legislation most pertinent to Crown range **28**

Note: This publication will be revised and updated from time to time; be sure you are using the most current version. In the case of a discrepancy between information provided in this publication and relevant legislation or the guidebooks, the legislation and guidebooks prevail.

Range Management and the Forest Practices Code

Introduction — How to use this booklet

Range Management and the Forest Practices Code is meant to help range agreement holders gain a general understanding of how the code affects them and what is required of them. It is also meant for Forest Service staff who approve and/or prepare plans, and who monitor plans and practices to see that they comply with requirements.

The booklet will be of interest to review agencies, such as other government ministries, and to interest groups, as well as the general public.

It is the agreement holders' responsibility to be aware of the legislation and requirements that apply to their agreement. While this booklet does offer an explanation of some of the requirements of the code, much of the legislation is straightforward and is not covered in this booklet.

Range Management and the Forest Practices Code is meant to increase awareness of what information all parties should be familiar with. Some of that information must be purchased; other information is available free of charge. This booklet lists where to obtain those publications (see Part 5).

The first two parts give an overview of the Forest Practices Code and its relationship to range. Part 3 — Plans, Operations and Practices looks at practical issues, and is best used side-by-side with the acts, regulations and guidebooks that apply to range management. Part 4 includes non-compliance, and Part 5 is a resource guide.

The Appendix lists the sections of legislation that apply to range use. Be aware that legislation also include amendments; the most up-to-date versions should be used.

Do not hesitate to contact the forest district office with questions or concerns about any aspect of the Forest Practices Code. Telephone numbers and addresses are included in *Range Management and the Forest Practices Code* Part 5 — Where to turn.

Learning more

As well as the information provided in this booklet, you will find answers to many questions in the acts, the regulations and the Forest Practices Code guidebooks. See "Where to turn" for how to get them. The staff in local Ministry of Forests offices have also been trained in many aspects of the Forest Practices Code.

Part 1 — British Columbia's Forest Practices Code

What is the Forest Practices Code?

The Forest Practices Code is a package of legislation, regulations and guidebooks that will greatly improve forest management and practices in British Columbia, including range, recreation and other activities.

The code was developed over a number of years by reviewing and drawing upon many existing requirements that were scattered through hundreds of acts, regulations, policies, and guidelines. Some new requirements have also been developed through the code.

The Forest Practices Code is a living process. It benefits from continual review and recommendations by the public, interested parties such as industry, ranchers, environmental groups, and First Nations, and government technical, policy and field staff. It will continue to be revised, studied and updated as more is learned about forest and range ecologies and as new technologies, new equipment and the benefits of experience emerge.

What the code means for range use

The Forest Practices Code significantly affects ranching in B.C. as it:

- requires approved plans before livestock graze on Crown range
- puts the force of law behind protecting certain values
- puts the force of law behind protecting range developments
- improves the government's powers of enforcement.

Under the Forest Practices Code, forest and range activity in B.C. has moved from *contractual* to *statutory* obligations. The code expands on what was formerly required by the *Range Act* in the area of integrated resource management. The obligations of a range agreement holder are now much the same as those of holders of other forest agreements.

Before the Code came into effect, the district manager wrote into a range use permit or licence what the user had to do — conditions on types and location of fencing, for instance, was part of the contract

with the government of B.C. to use Crown range. Thus, many range use responsibilities were *contractual*.

Now, the Code gives those responsibilities the force of law, or statutory obligations. Requirements and obligations are outlined in legislation, and are spelled out in a range use plan. Range agreement holders need to be aware of these obligations.

As before, range users must still apply for a range agreement, which gives the right to graze or cut hay under the *Range Act*. (This was earlier known as "tenure.") Now, they must also prepare and submit range use plans for approval under the *Forest Practices Code of British Columbia Act*. Range use plans are specific to agreement areas, and cover use of Crown range for livestock grazing or hay cutting.

Grazing or hay cutting may not legally begin until a user holds both an agreement and an approved range use plan.

Guiding principles of range use in British Columbia

Range management practices should protect and conserve healthy, diverse and self-sustaining ecosystems. Range use plans should specify the range and livestock management techniques required to ensure the continued health of the range resource and to achieve the goals outlined in higher-level plans.

The following are the guiding principles for range use as written by the B.C. government:

> Enhanced production should be achieved through maintenance rather than the manipulation of natural ecosystems.
>
> To ensure the long-term health and productivity of plant communities, the amount and timing of grazing should be controlled through prescribed use.
>
> If livestock and wildlife management techniques alone are unable to facilitate achievement of the range management objectives specified in higher-level plans or range use plans—objectives such as increasing forage quality, quantity or availability; improving wildlife habitat; or rehabilitating plant communities damaged through human or naturally occurring disturbances—then range enhancements such as fences, stocktrails, water developments, seeding, prescribed burning, and fertilization should be used.

Part 2 — Legislation and a framework

Legislation and guidebooks most pertinent to Crown range

Forest Practices Code of British Columbia Act
- *Operational Planning Regulation*
- *Range Practices Regulation*
- *Security for Forest Practice Liabilities Regulation*
- *Administrative Remedies Regulation*

Range Act
- *Range Regulation*

Livestock Act

Trespass Act

Weed Control Act

Community Watersheds Guidebook

Identified Wildlife Management Strategy documents

Guide to writing resource objectives and strategies

Landscape Unit Planning Guide

Public Consultation Guidebook

Range Use Plan Guidebook

Riparian Management Area Guidebook

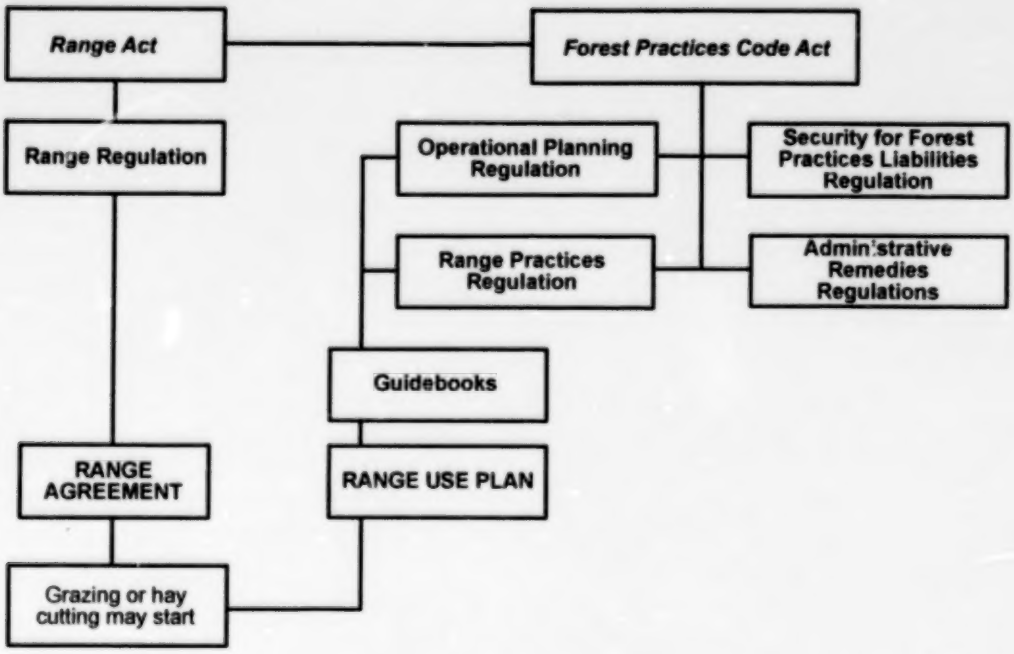
Types of legislation: acts, regulations, standards, and guidebooks

The Forest Practices Code encompasses:

- the *Forest Practices Code of British Columbia Act*
- regulations
- guidebooks.

It works together with the *Forest Act* and the *Range Act*, and their regulations, to address how timber and range agreements are administered in B.C.'s forests and on Crown range.

Legislation and range use



Acts: The *Range Act* and the *Forest Practices Code of British Columbia Act* are the main acts that apply to range use: long-time ranchers will be most familiar with the *Range Act*. It gives the right to use the Crown range in question. The *Forest Practices Code of British Columbia Act* guides the way grazing and other practices are carried out, telling how and when Crown range may be used. Both acts require certain actions and obligations of range agreement holders and the Ministry of Forests.

The *Forest Practices Code of British Columbia Act* is the legal umbrella that enables the Forest Practices Code. It also:

- provides for strategic planning and requires operational planning — including who must prepare these plans and when, and what information the plans must contain
- covers forest (and range) practices for forest and range agreements
- outlines the procedures and administrative systems needed to make the Forest Practices Code effective.

The *Range Act* covers what is required to obtain an agreement for grazing or hay cutting on Crown range. These agreements are of three basic types:

- *licences* for grazing or hay cutting are awarded after opportunities are advertised and responses assessed, have 10-year terms, allow for range management services to be carried out, are replaceable and require a range use plan
- *permits* for grazing or hay cutting are for a maximum term of five years, may be replaceable depending on type, and require a range use plan
- *temporary grazing permits* and *temporary hay cutting permits* apply only for the year in which they are issued, are not advertised and take advantage of a short-term surplus of forage such as that from an exceptionally good growing year or an authorized non-use. A range use plan is required.

Regulations that are now in place and those being developed cover the fundamental practices that must be applied across the province. As with the acts, the regulations have the strength of law.

The Forest Practices Code regulations establish the types and contents of plans and prescriptions that are required before grazing or hay cutting may proceed, and regulate what activities can take place or must be avoided.

There are many regulations under the *Forest Practices Code of British Columbia Act*. While the Operational Planning Regulation and the Range Practices Regulation will be used most often, range agreement holders should be aware of the Security for Forest Practice Liabilities Regulation and Administrative Remedies Regulation. They may affect range agreement holder if a security bond is required or if they do not comply with the range use plan or the law. The Administrative Remedies Regulation contains a lengthy schedule of penalties for specific offenses.

The *Range Act* includes the Range Regulation, which specifies advertising and application criteria for permits and licences, private land agreements, fees, and transfers.

The Forest Practices Code includes **guidebooks** that are on-the-ground support for the regulations. They cover a wide variety of topics, ranging from broad planning concepts and requirements to detailed "how-to" instructions.

Guidebooks:

- outline recommended practices
- outline recommended tolerances and evaluation criteria
- provide recommended procedures, processes and results.

Range agreement holders and Ministry of Forests staff will most often refer to the *Range Use Plan Guidebook*. It includes a template sample range use plan, and a range use plan checklist.

How the Code works to improve forest and range management and practices

As well as specifying certain practices in Crown forest and range, the Forest Practices Code is a framework that ensures that strategic goals and objectives set in higher-level plans are put into action on the ground by forest industry and ranchers. Range agreements and range use plans will reflect and support a province-wide network of goals and objectives that encourage productive range and forest use while protecting certain resources.

By requiring that operational plans be consistent with the objectives set out in such higher-level plans, the Forest Practices Code allows those objectives to be implemented "on the ground."

"Higher-level" plans are management goals for public forests and range that are established with public input through land-use planning processes.

For Code purposes, an objective for a resource management zone, landscape unit, sensitive area, recreation site, recreation trail, or interpretive forest site is deemed a higher-level plan.

Operational plans: These cover general to site-specific activities in forests and on range land, and are required of agreement holders. The key operational plans are:

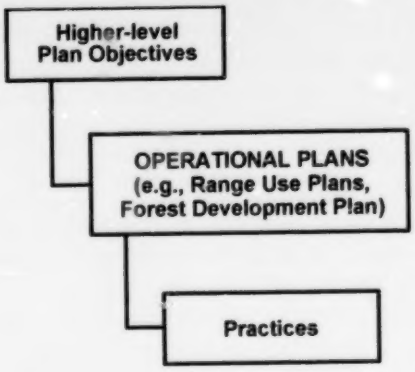
- range use plans
- forest development plans
- silviculture prescriptions
- stand management prescriptions.

Operational plans are open to public and agency review, with specific requirements for advertising, scope, timeframes, and review periods. No activity may begin unless and until the required plans are approved by the forest district manager. In some cases, other approvals are required as well. Any amendments or changes required later must be approved as well.

Practices: Practices are simply activities carried out in Crown forest or range. Practices must be considered in advance and covered in the operational plan (range use plan). For range use, the Range Practices

Regulation and the guidebooks tell how to actually carry out or restrict activities.

The Forest Practices Code: Linking plans and practices



Part 3 — Plans, operations and practices under the Forest Practices Code

This section covers many general requirements, but also gives expanded information about some sections of the various acts and regulations that apply to range management.

It is NOT a complete listing of all obligations under the Forest Practices Code.

The name of the legislation and the number of the applicable sections are marked in the margins beside the information.

Range use plans

The Forest Practices Code requires that ALL agreement holders plan in advance and consider the needs of other resource values and users. This would mean, for example, controlling livestock on planted cutblocks.

Forest Practices Code Act Section 27

All range use plans must be approved by the district manager before grazing or hay cutting begins, even if ranchers already hold a valid licence or permit.

Forest Practices Code Act Section 27

Range use plans replace range tenure management plans, which used to be appended to the agreement document. They are needed for grazing and hay cutting permits *and* licences, while tenure management plans were normally required only for licences.

Range use plans are effective for up to 10 years, or for the life of the agreement, whichever is shorter. A plan may be extended for up to one year.

Range Use Plan Guidebook

Range use plans expand on what was formerly required by the *Range Act* in the area of integrated resource management. Range agreement holders' obligations are now much the same as those of holders of other forest agreements. The *Range Use Plan Guidebook* contains a checklist and sample range use plan.

Forest Practices Code Act Section 27

The district manager may exempt a range agreement holder from preparing a range use plan, but the plan must then be prepared by the Ministry of Forests. The Ministry is then responsible for advertising and making the plan available for public review.

Range use plan content

Range use plans were restructured significantly in 2000. Previously, plans included a mix of higher-level objectives (goals), strategies (generic statements about how goals would be achieved), and actions or measures (the things ranchers do to manage their cattle or rangeland). Objectives and strategies no longer form a part of the plan. They are provided to the rancher by the district manager of forests as direction on how range is to be managed.

District manager's responsibilities

Operational Planning Regulation Sections 52.1, 52.2 and 52.3

The district manager will provide objectives and strategies for the area under the plan. They will also identify any areas of special concern and will provide plant community descriptions, the location of key areas, and range readiness and utilization criteria for those key areas. The district manager will also provide a map of the area under agreement.

The district manager will ensure that the range use plan submitted by the agreement holder adequately manages the range resource before giving approval.

Rancher's responsibilities

Operational Planning Regulation Sections 53 and 53.1

The rancher must consider the district manager–supplied strategies and higher-level plan objectives when determining the grazing schedule and any measures or actions they will take to manage livestock on the rangeland.

The range use plan for grazing agreements must consist of:

- a map that includes the location of *Range Act* agreement boundaries, range developments such as fences, key areas, significant resource features, and wildlife habitat areas.
- a grazing schedule that includes, for each area of use, the Animal Unit Month (AUM) total, livestock classes and numbers and period of use
- measures to address any district manager strategies (including ungulate winter range, plant communities and properly functioning condition)
- stubble heights and browse use levels for key areas
- range readiness criteria for key areas
- an expiry date
- the signature of the *Range Act* agreement holder unless exempted by the district manager.

The range use plan for hay cutting agreements must consist of:

Operational Planning Regulation Section 53.2

- a map that includes the location of *Range Act* agreement boundaries, significant features and intended harvest area
- measures to address district manager strategies to achieve or maintain desired plant communities for the area to be harvested
- an average stubble height for the area to be harvested
- a date for the intended time of harvest
- if supplied by the district manager, readiness criteria and other factors that determine timing of harvest
- an expiry date
- the signature of the *Range Act* agreement holder unless exempted by the district manager.

Plan amendments

Forest Practices Code Act Sections 34 and 35, Operational Planning Regulation Sections 54.1, 56, 57, and 58

While plans can be in place for up to 10 years after being approved, range agreement holders are not stuck with plans that are obviously not working. Changes can be made to approved range use plans when necessary. All amendments must also be approved, and major changes may need to be submitted for public review.

Forest Practices Code Act Section 35

Unlike forest practices, range agreement holders do not have to stop operations immediately if plans are not working. However, range agreement holders are required to submit an amendment to the district manager for approval.

Forest Practices Code Act Section 35, Operational Planning

The district manager may require a new plan where deemed necessary because of special circumstances. These special circumstances could include the establishment of new higher-level plans, new water quality

objectives, new wildlife habitat areas, and new district manager strategies.

Where a new range development is proposed that is likely to materially affect other agreement holders, the public, or how the resource is managed, it must be advertised and the plan must be amended.

Public and agency review and comment

Range use plans are required to address public and other resource agencies' concerns about the impact of range activities on other resources on public land. Public and agency review and comment on range use plans will ensure that others have the opportunity to review plans, know future plans and identify legitimate concerns. This is required of all operational plans and puts range use on the same level as other forest agreements.

Operational Planning Regulation Sections 56, 57 and 58

The public must have the opportunity to review and comment on a range use plan. This is a new concept for most ranchers. It is not meant to lengthen the approval process — the public must respond within 60 days.

Range Use Plan Guidebook

The public must be told of opportunities to provide input at least one week in advance; review opportunities must be advertised in at least one relevant newspaper, or on radio in locations where newspapers are unavailable. Certain information must be provided in all advertising, including plan area, animal unit months, location, date and time of public viewing, and a contact for more information.

Operational Planning Regulation Section 7

The district manager may also require that range use plans be referred to other government agencies when necessary; for instance, the Ministry of Environment, Lands and Parks in the case of wildlife habitat areas, or the federal Department of Fisheries and Oceans where streams may contain spawning salmon.

A well-documented, detailed range use plan should not need to be changed significantly following review or referral unless it overlooks some point that is important to an interested party.

Forest Practices Code Act Section 39, Operational Planning Regulation Section 56(1), Range Use Plan Guidebook

Whoever prepares the range use plan must advertise it.

Forest Practices Code Act Section 44 and Range Act Section 6 Operational Planning Regulation 56(2)

Where a temporary grazing or hay cutting permit is used to allow for use of surplus forage, the accompanying range use plan does not need to be advertised or made available for review and comment if it meets Code content requirements and provides for managing and conserving the resource.

Desired plant communities

Where the district manager determines that livestock may have (or have caused) a significant negative effect on plant communities, they will provide descriptions of the current plant communities and the livestock management strategies that will be used to maintain or achieve the desired plant community for each.

Developments

Forest Practices Code Act Sections 68, 74 and 101, Range Practices Regulation Section 2.1

Proposed range developments can be included in the range use plan. This allows referral agencies and the public an opportunity to comment and voice any concerns at an early stage. The district manager must give consent before any construction begins.

Range Practices Regulation Section 5

Existing developments must be maintained, unless the district manager exempts that requirement.

Forest Practices Code Act Section 74(2)(c)

The district manager can require a range agreement holder to tear down an illegal, deteriorated or ineffective structure and to repair or rehabilitate the area.

Range Practices Regulation Section 5.1

A permit is not required to maintain an existing trail or development. Authorization is required for new construction or where timber is removed.

Security for Forest Practice Liabilities Regulation Sections 2 and 3

The district manager can ask for a performance bond; that is, to put up money or some other security before a range agreement holder builds a development on range land. That security will be returned once the conditions are met. This is meant to protect other values and to ensure that the task is performed to a prescribed standard.

Consent to construct a range development

Forest Practices Code Act Section 101 Range Practices Regulations Section 2.1

If a proposed range development has not been included in a range use plan, the district manager may require that the proposal be referred to resource agencies and affected parties and that it be advertised and made available for public review.

Limiting the spread of noxious weeds

Forest Practices Code Act Section 52, Range Practices Regulation Section 4

While range agreement holders are not responsible for all noxious weed control on Crown range, they must revegetate any ground that is bared when building a range development such as a fence or corral.

Significantly large sections of bare ground must be seeded within one year if necessary. The area should be satisfactorily revegetated within two years with vigorous, competitive ground cover.

Seed mixtures must be carefully selected to ensure revegetation and to be consistent with higher-level plans. This includes avoiding seed stock contaminated by weed seeds, and inspecting and cleaning equipment and livestock that could transport noxious weed seeds or propagules.

Range Practices Regulation Section 4

The district manager may exempt an area from reseeding requirements if it is too small, if revegetation will occur naturally or if significant erosion or weed growth are unlikely.

Forest Practices Code Act Section 52, Range Practices Regulation Section 4

Where noxious weeds occur or threaten an area, livestock grazing or development activities should not allow their spread. For example, this would mean preventing weed seeds from being transported on vehicles or equipment.

Noxious weeds are listed under the *Weed Control Act*.

Range management in community watersheds

By definition, a community watershed has a drainage area of not more than 500 square kilometres. It is also either:

- licensed for community water use by the Ministry of Environment, Lands and Parks,
  or
- licensed for domestic water use, and the forest district manager and a designated environment official agree that it should be regarded as a community watershed.

Forest Practices Code Act Section 41

Operational Planning Regulation Sections 65 and 66

Community watersheds are formally designated by the regional manager. Plans to designate community watersheds must be available in advance for comment and review, and community watersheds must be advertised once designated.

If all or part of a range agreement is in a community watershed, the agreement holder cannot build anything that will attract or hold cattle within 50 metres of a stream. This includes handling facilities.

Range Practices Regulation Section 3

Existing structures are "grandparented" and may remain as long as they are not causing a problem.

Range Practices Regulation Section 3

Within a community watershed, cabins and corrals must be at least 50 metres from a stream. Stream crossings on livestock trails must be approved by the district manager. This is to prevent contamination of water used by communities downstream.

Range Practices Regulation Section 7

If livestock contaminate the water supply in a community watershed, they must be removed from that watershed. They can return only if the problem is remedied, *and* the watershed has been inspected by an official from the Ministry of Environment, Lands and Parks and the district manager.

Removal of livestock from an area under silviculture prescription

Range Practices Regulation Section 7.1

The district manager may require the holder of an agreement under the *Range Act* to remove livestock from an area subject to a silviculture prescription if they determine that use of the area by the livestock is significantly interfering with the establishment of a free growing stand. The livestock may re-enter the area only when the agreement holder has taken the measures necessary to prevent further damage.

Range management in riparian areas

Range Practices Regulation Section 1, Operational Planning Regulation Sections 52 and 52.1

For range practices, the Code does not require streams or wetlands to be classified as for other operational plans. Instead, range management must consider riparian areas. These are defined as "an area of land that is adjacent to a stream, river, lake, or wetland, and contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent upland areas."

The Code restricts certain uses of machinery, movement of cattle, and building and development in these riparian areas.

Operational Planning Regulation Sections 52.2(b)(ii) and 53.1

While livestock may be grazed near streams and wetlands, the streams and wetlands must be identified in the range use plan, and measures must be proposed to achieve or maintain properly functioning condition.

Range Practices Regulation Section 6

Machinery cannot be operated, refuelled or serviced within five metres of a stream. However, it can be used in an emergency or if authorized by the district manager. The district manager may, for instance, give a blanket exemption in the range use plan to allow vehicle use for livestock management, such as all-terrain vehicles when herding cows.

Range Practices Regulation Section 6

The Code also allows operation of machinery within five metres of a stream if streambanks are protected and damage to understorey vegetation is minimized. This means that if a streambank is wet, is likely to collapse, or will compact, then operating a machine is obviously illegal.

Range Practices Regulation Section 6

Exemptions can be given by the district manager, but must be identified first in the range use plan. It is best to seek permission first before using machinery near a stream in any case other than an emergency.

Identifying livestock

Forest Practices Code Act Sections 74 and 98, Range Practices Regulation Sections 3 and 8

The requirement that livestock be branded is a carry-over from the *Range Act*. Branding is required for identifying livestock ownership.

Range Practices Regulation Section 8

In some cases the district manager or regional manager may also require ear tags on livestock. Tags will be provided by the district manager or regional manager if necessary.

Use of fire

Forest Practices Code Act Section 50

If an agreement holder wants to improve understorey vegetation growth, an approved range use plan and a burning permit are required.

Forest Practices Code Act Sections 75–95, Forest Fire Prevention and Suppression Regulation

Range agreement holders must be aware of their responsibilities when using fire. The word "forest" in the sections of the *Forest Practices Code of British Columbia Act* includes Crown range, and fire suppression responsibilities apply to range agreement holders. Range agreement holders should contact the Ministry of Forests district or regional office for more information.

Private land

Operational Planning Regulation Section 54

Where private land is grazed in common with Crown range, the grazing schedule for the range use plan will also apply to the private land. Otherwise, the Forest Practices Code does not apply to private rangelands.

Other rights and responsibilities

Forest Practices Code Act Section 51

If a range agreement holder comes across a resource feature that had not been identified earlier, the district manager must be informed. This applies to all forest operators and covers range structures and excavations on Crown range as well as recreation and cultural heritage

features. It should help protect range developments during forest operations.

Forest Practices Code Act Section 69

Forest operators who remove a natural range barrier may be required to replace it. (For instance, a timber stand that would have kept livestock from crossing to another watershed or stock range would need to be replaced with a fence or similar barrier.)

Forest Practices Code Act Section 105

The Code does not specifically deal with use of all-terrain vehicles (ATVs) on Crown range. However, it does authorize the district manager to manage public recreation use on Crown range, so a problem with use of ATVs may be addressed through the Code.

Part 4 — If you don't comply

Enforcement, fines, penalties, and appeals

Many ranchers are nervous about increased liability and penalties under the Forest Practices Code. Good planning and good communication with district managers will dramatically reduce problems.

The code does significantly improve the enforcement powers of the government to deal with trespass livestock, inadequate range practices and unauthorized range developments. The Ministry's options include but are not restricted to:

- ticketable offences

Forest Practices Code Act Sections 117 and 143

- penalties and fines from $1,000 and up

Forest Practices Code Act Section 115

- forfeitures/seizures of livestock, hay, etc.

Forest Practices Code Act Section 118

- remediation

Forest Practices Code Act Section 123

- stop-work orders

Forest Practices Code Act Section 149

- restitution

Forest Practices Code Act Section 150

- continuing offences.

Forest Practices Code Act Sections 98–101

The Code now allows the government to assess administrative penalties, for instance:

Forest Practices Code Act Section 117

Penalties can now be levied for all contraventions, rather than just trespass livestock as in the past.

Forest Practices Code Act Section 115

Livestock may be seized if they are trespassing on Crown range. They can be sold by public auction, returned once range agreement holders pay seizure costs, or destroyed. Hay may be seized or forfeited if cut or stored without authorization. These powers were removed from the *Range Act* and inserted into the *Forest Practices Code of British Columbia Act*.

Forest Practices Code Act Section 118

The government can order a person who contravenes the Code to do work to remedy the contravention. If the work is not done, the government can do it, and bill the offender.

Forest Practices Code Act Section 147

While use is expected to be rare in range cases, the Code now allows the government to seek a court order where a stop-work order that was issued under Section 123 of the *Forest Practices Code Act* has not be complied with.

Forest Practices Code Act Section 143

Fines for range offences under the Code may go as high as $100,000, compared to $2,000 under the *Range Act* alone.

Forest Practices Code Act Section 150, Administrative Remedies Regulation 6

Range agreement holders found to be in offence must act quickly. Every day they do not act may be considered to be a new offence. This is called a continuing offence. For example, if cattle are contaminating the water in a community watershed, the range agreement holder faces a fine of up to $5,000. If the problem is not corrected the next day, the range agreement holder faces another maximum $5,000 fine, as each day may count as a new offence.

Some of the administrative and enforcement regulations under the provincial *Offence Act* may also apply, and so might some federal statutes.

If you disagree

Forest Practices Code Act Section 127

If a range agreement holder does not agree with a determination of an offence made by a government official, an independent administrative review may be requested. This must be done within three weeks by the range agreement holder, and specific steps must be followed.

Forest Practices Code Act Section 129

The administrative review must be completed within 60 days of a request. The review will not be done by the same person who made the determination. However, if all the required steps have not been

followed, the review is not done and the range agreement holder must re-apply.

Forest Practices Code Act Sections 130 and 131

If the range agreement holder is not satisfied with the results of the administrative review, an appeal may be made to the Forest Appeals Commission. The range agreement holder cannot go directly to the commission; an administrative review is required first. The range agreement holder must appeal within three weeks of the review decision, or the commission need not hear the appeal.

Forest Practices Code Act Sections 194–197

The Appeals Commission is independent of government. As well as hearing appeals, it provides the ministers of Forests, Environment, Lands and Parks, and Energy, Mines and Petroleum Resources with an annual evaluation of how the review and appeal procedures are functioning. It can also make recommendations to the ministers on amendments to the Act and regulations respecting reviews and appeals, and submits an annual report concerning its activities.

Forest Practices Code Act Section 141

The final resort is an appeal to the courts.

Audits, investigations and public complaints

The Forest Practices Board is an independent "watchdog" body that carries out independent audits and special investigations to determine:

Forest Practices Code Act Section 176

- whether plans and activities are carried out as required by the Code
- whether the government is enforcing the code appropriately.

Forest Practices Code Act Sections 175–193

As well, the independent Forest Practices Board investigates complaints from the public about how the Code is being upheld. This applies to "third parties"— those not directly affected by a decision or action.

Forest Practices Code Act Section 177

The Forest Practices Board does not have to investigate every third-party complaint. It can dismiss complaints that it deems trivial, frivolous, or vexatious, or if the investigation would not benefit the complainant.

Forest Practices Code Act Section 178

The Board may conduct an audit, special investigation, or complaint investigation of forest management determinations, or of the absence of such determinations. It may appeal the approval of key operational plans directly to the Forest Appeals Commission; for example, to review a district manager's approval of a forest development plan after an administrative review has been conducted.

Part 5 — Where to turn

Resources

Range use plans, community watersheds, higher-level plans and objectives, and some publications

VANCOUVER FOREST REGION
2100 Labieux Road
Nanaimo, BC
V9T 6E9
Ph: 751-7001 Fax: 751-7190

Campbell River Forest District
370 South Dogwood Street
Campbell River, BC
V9W 6Y7
Ph: 286-9300 Fax: 286-9490

Chilliwack Forest District
P.O. Box 159
9880 South McGrath Road
Rosedale, BC
V0X 1X0
Ph: 702-5100 Fax: 794-2111

Mid-Coast Forest District
P.O. Box 1000
Bella Coola, BC
V0T 1C0
Ph: 982-2000 Fax: 982-2090

Pemberton Field Office
mailing address:
42000 Loggers Lane
Squamish, BC
V0N 3G0
location:
7410 Prospect Street
Pemberton, BC
V0N 2L0
Ph: 894-6417 Fax: 894-6906

Port McNeill Forest District
P.O. Box 7000
2217 Mine Road Place
Port McNeill, BC
V0N 2R0
Ph: 956-5000 Fax: 956-5005

Queen Charlotte Islands Forest District
P.O. Box 39
1229 Cemetary Road
Queen Charlotte City, BC
V0T 1S0
Ph: 559-6200 Fax: 559-8342

Sechelt Field Office
Box 4000
1975 Field Road
Sechelt, BC
V0N 3A0
Ph: 740-5005 Fax 885-3803

South Island Forest District
4227 6th Avenue
Port Alberni, BC
V9Y 4N1
Ph: 724-9205 Fax: 724-9261

Squamish Forest District
42000 Loggers Lane
Squamish, BC
V0N 3G0
Ph: 898-2100 Fax: 898-2191

Sunshine Coast Forest District
7077 Duncan Street
Powell River, BC
V8A 1W1
Ph: 485-0700 Fax: 485-0799

Note: The area code for Vancouver and the lower mainland is 604. The area code for the rest of British Columbia is 250.

PRINCE RUPERT FOREST REGION
Bag 5000
3726 Alfred Avenue
Smithers, BC
V0J 2N0
Ph: 847-7500/-7443 Fax: 847-7217/-7442

Atlin Field Office
Box 45, McBride Blvd.
Atlin, BC
V0W 1A0
Ph: 651-7638 Fax: 651-7780

Bulkley/Cassiar Forest District
Bag Service 6000
3333 Tatlow Road
Smithers, BC
V0J 2N0
Ph: 847-6300 Fax: 847-6353

Kalum Forest District
200 - 5220 Keith Avenue
Terrace, BC
V8G 1L1
Ph: 638-5100 Fax: 638-5176

Kispiox Forest District
Bag 5000
Smithers, BC
V0J 2N0
2210 West Highway 62
Hazelton, BC
V0J 1Y0
Ph: 842-7600 Fax: 842-7676

Lakes Forest District
Bag 3500
185 Yellowhead Highway
Burns Lake, BC
V0J 1E0
Ph: 692-2200 Fax: 692-7461

Morice Forest District
Bag 2000
2430 Butler Avenue
Houston, BC
V0J 1Z0
Ph: 845-6200 Fax: 845-6276

North Coast Forest District
125 Market Place
Prince Rupert, BC
V8J 1B9
Ph: 624-7460 Fax: 624-7479

Stewart Field Office
Box 918
Sixth and Brightwell
Stewart, BC
V0T 1W0
Ph: 636-2663 Fax: 636-2338

Watson Lake Field Office
Stikine Road
Dease Lake, BC
V0C 1L0
Ph: (403) 771-4211
Fax: (403) 771-5702
(*Seasonal: May 1– August 31*)

Note: The area code for Vancouver and the lower mainland is 604. The area code for the rest of British Columbia is 250.

PRINCE GEORGE FOREST REGION
1011 4th Avenue
Prince George, BC
V2L 3H9
Ph: 565-6100 Fax: 565-6671

Dawson Creek Forest District
9000 17th Street
Dawson Creek, BC
V1G 4A4
Ph: 784-1200 Fax: 784-2356

Fort Nelson Forest District
R.R. #1, Mile 301
Alaska Highway
Fort Nelson, BC
V0C 1R0
Ph: 774-5500 Fax: 774-3704

Fort St. James Forest District
P.O. Box 100
Stones Bay Road
Fort St. James, BC
V0J 1P0
Ph: 996-5200 Fax: 996-5290

Fort St. John Forest District
8808 72nd Street
Fort St. John, BC
V1J 6M2
Ph: 787-5600 Fax: 787-5610

Mackenzie Forest District
Bag 5000
1 Cicada Road
Mackenzie, BC
V0J 2C0
Ph: 997-2200 Fax: 997-2236

Prince George Forest District
2000 South Ospika Blvd.
Prince George, BC
V2N 4W5
Ph: 565-7100 Fax: 565-6771

Robson Valley Forest District
P.O. Box 40
380 Highway 16 West
McBride, BC
V0J 3E0
Ph: 569-3700 Fax: 569-3738

Vanderhoof Forest District
P.O. Box 190
1522 Highway 16 East
Vanderhoof, BC
V0J 3A0
Ph: 567-6363 Fax: 567-6370

KAMLOOPS FOREST REGION
515 Columbia Street
Kamloops, BC
V2C 2T7
Ph: 828-4131 Fax: 828-4154

Clearwater Forest District
P.O. Box 4501
R.R. #2
Yellowhead Highway 5
Clearwater, BC
V0E 1N0
Ph: 587-6700 Fax: 587-6790

Kamloops Forest District
1265 Dalhousie Drive
Kamloops, BC
V2C 5Z5
Ph: 371-6500 Fax: 828-4627

Note: The area code for Vancouver and the lower mainland is 604. The area code for the rest of British Columbia is 250.

Lillooet Forest District
Bag 700
650 Industrial Place
Lillooet, BC
V0K 1V0
Ph: 256-1200 Fax: 256-1290

Merritt Forest District
P.O. Box 4400 Stn. Main
Highway 54 and Airport Road
Merritt, BC
V1K 1B8
Ph: 378-8400 Fax: 378-8481

Penticton Forest District
102 Industrial Place
Penticton, BC
V2A 7C8
Ph: 490-2200 Fax: 490-2255

Princeton Field Office
151 Vermilion Avenue
Princeton, BC
V0X 1W0
Ph: 295-3106 or 1-800-665-1511
Fax: 295-6273
Mailing Address:
P.O. Box 4400 Stn. Main
Merritt, BC
V1K 1B8

Salmon Arm Forest District
850 16th Street NE
Salmon Arm, BC
Mailing Address:
P.O. Box 100 Stn. Main
Salmon Arm, BC
V1E 4S4
Ph: 833-3400 Fax: 833-3399

Vernon Forest District
2501 14th Avenue
Vernon, BC
V1T 8Z1
Ph: 558-1700 Fax: 549-5485

NELSON FOREST REGION
518 Lake Street
Nelson, BC
V1L 4C6
Ph: 354-6200 Fax: 354-6250

Arrow Forest District
845 Columbia Avenue
Castlegar, BC
V1N 1H3
Ph: 365-8600 Fax: 365-8568

Boundary Forest District
P.O. Box 2650
136 Sagamore Avenue
Grand Forks, BC
V0H 1H0
Ph: 442-5411 Fax: 442-5468

Columbia Forest District
Box 9150, RPO #3
1761 Big Eddy Road
Revelstoke, BC
V0E 3K0
Ph: 837-7611 Fax: 837-7626

Cranbrook Forest District
1902 Theatre Road
Cranbrook, BC
V1C 6H3
Ph: 426-1700 Fax: 426-1449

Note: The area code for Vancouver and the lower mainland is 604. The area code for the rest of British Columbia is 250.

Creston Field Office
R.R. #2, S. 26, Box 2
1243 NW Blvd.
Creston, BC
V0B 1G0
Ph: 428-3213 Fax: 428-2773*
*(*Monday to Friday - mornings*)

Golden Sub Office (Columbia Forest District)
P.O. Box 1380
600 9th Street North
Golden, BC
V0A 1H0
Ph: 344-7500 Fax: 344-7501

Invermere Forest District
Box 189, 625 4th Street
Invermere, BC
V0A 1K0
Ph: 342-4200 Fax: 342-4247

Kettle Valley Field Office
R.R. #2, Highway 3
Rock Creek, BC
V0H 1Y0
Ph: 446-2212 Fax: 442-5411*
* (*Tuesday mornings only*)

Kootenay Lake Forest District
R.R. #1, S-22, C-27
1907 Ridgewood Road
Nelson, BC
V1L 5P4
Ph: 825-1100 Fax: 354-6290

Nakusp Field Office
Box 219, 109 6th Avenue West
Nakusp, BC
V0G 1R0
Ph: 265-3685 Fax: 265-3067

CARIBOO FOREST REGION
200 - 640 Borland Street
Williams Lake, BC V2G 4T1
Ph: 398-4345 Fax: 398-4380

100 Mile House Forest District
P.O. Box 129
300 South Cariboo Highway
100 Mile House, BC V0K 2E0
Ph: 395-7800 Fax: 395-5586

Chilcotin Forest District
P.O. Box 65, Stum Lake Road
Alexis Creek, BC V0L 1A0
Ph: 394-4700 Fax: 394-4515

Clinton Field Office
Box 340, 1423 Cariboo Highway
Clinton, BC V0K 1K0
Ph: 459-2235 Fax: 459-7082

Horsefly Forest District
Box 69, Horsefly Lake Road
Horsefly, BC V0L 1L0
Ph: 620-3200 Fax: 620-3540

Likely Field Office
Box 7, Cedar Creek Road
Likely, BC
V0L 1N0
Ph: 790-2213 Fax: 790-2325

Quesnel Forest District
322 Johnston Avenue
Quesnel, BC
V2J 3M5
Ph: 992-4400 Fax: 992-4403

Williams Lake Forest District
925 North 2nd Avenue
Williams Lake, BC
V2G 4P7
Ph: 305-2001 Fax: 305-2034

Note: The area code for Vancouver and the lower mainland is 604. The area code for the rest of British Columbia is 250.

Policy and implementation (see also district and regional offices, above)

Range Section
Forest Practices Branch
Ministry of Forests
First Floor, 1450 Government Street
P.O. Box 9513 Stn Prov Govt
Victoria, BC V8W 9C2
Telephone (250) 387-6653 Fax (250) 356-5909

Copies of legislation and other government publications

Crown Publications
521 Fort Street
Victoria, BC V8W 1E7
Telephone (250) 386-4636 Fax (250) 386-0221

As a result of legislative amendments, many Forest Practices Code (FPC) guidebooks are being revised. Both existing and newly revised versions of the guidebooks are available as electronic computer files and printed documents.

Electronic files

Guidebooks are available for free on the Internet at the B.C. Ministry of Forests Forest Practices Code guidebook homepage at the following address:
http://www.for.gov.bc.ca/tasb/legsregs/fpc/fpcguide/guidetoc.htm

Printed documents

Guidebooks are available on loan from many libraries in the Province, either from their collection or by inter-library loans. Printed guidebooks are available for purchase through Queen's Printer Publications. To order printed guidebooks, access the B.C. Government Publications Index on the Internet at: http://www.publications.gov.bc.ca

You can also place an order by telephone, mail, or fax by contacting:
Government Publication Services

Phone:	1-800-663-6105 (outside Victoria)
	(250) 387-6409 (within Victoria)
Fax:	(250) 387-1120
Location:	563 Superior Street
Mail:	P.O. Box 9452 Stn Prov Govt
	Victoria BC V8W 9V7

Appeal government penalties

Forest Appeals Commission
Fourth Floor, 836 Yates Street
Victoria, BC V82 1L8
Telephone (250) 387-3464 Fax (250) 356-9923

Concerns about forest operations

Forest Practices Board
Third floor, 1675 Douglas Street
P.O. Box 9905, Stn Prov Govt
Victoria, BC V8W 9R1
Toll-free 1-800-994-5899
Telephone (250) 387-7964 Fax (250) 387-7009

Useful publications

Legislation

Forest Practices Code of British Columbia Act and Regulations
Range Act and regulations
Livestock Act and regulations
Weed Control Act and regulations

Guidebooks

Range Use Plan
Community Watersheds
Guide to Writing Resource Objectives and Strategies
Identified Wildlife Management Strategy Documents
Landscape Unit Planning Guide
Riparian Management Area

Self-study training materials

Range Use Plan Training Program Primer
Introduction to the Forest Practices Code Personal Training Guide

Part 6 — Working definitions

These are working definitions for the purposes of this booklet only. Refer to the acts and regulations for legal definitions of terms.

administrative review — the first step to appeal a Ministry decision that a range agreement holder is in violation of the law.

community watershed — an area as defined by Section 41 (8) of the *Forest Practices Code of British Columbia Act*. Range activities are restricted in these areas to protect water quality.

cultural heritage resources — resources such as prehistoric sites, which may or may not have been previously identified.

determination — any act, omission, decision, or order made under the code by an official or senior officer.

higher-level plan — an objective for a resource management zone, landscape unit, sensitive area, recreation site, recreation trail, or interpretive forest site.

identified wildlife — species at risk that the Ministry of Environment, Lands and Parks and the Ministry of Forests agree will be managed through higher-level plans, wildlife habitat areas or general wildlife measures.

key area — land subject to a *Range Act* agreement that is a monitoring site for grazing identified by the district manager.

known information — information required by the Forest Practices Code to be included in a range use plan. Must be available at least four months before a range use plan is submitted for approval.

landscape unit — a geographic planning area determined by higher-level plans; must be taken into account when creating range use plans.

operational plans — plans that cover general to site-specific activities in forests and on range land, and are required of agreement holders. The types of operational plans are: range use plan, forest development plan, silviculture prescription, and stand management prescription.

properly functioning condition — the ability of a stream, river, wetland, or lake, and its riparian area, to: (a) withstand normal peak flood events without experiencing accelerated soil loss, channel

movement, or bank movement; (b) filter runoff; and (c) store and safely release water.

range readiness criteria — criteria that indicate when the range is ready for grazing or harvesting based on a combination of soil moisture conditions and the phenological stage of plants.

range use plan — document covering planned activity for range agreement area and term, taking into account known information and objectives set in higher-level plans. Must be approved by district manager before range use may legally begin.

recreation features — features such as facilities, portages, trails, etc., that may or may not have been previously identified.

resource feature — a cultural heritage resource, recreation feature, range development, or other feature as defined by Section 51 (1) of the *Forest Practices Code of British Columbia Act*.

riparian area — a concept specific to range use; restricts certain uses of machinery, movement of cattle, and building and development in stream areas. Defined by regulation as "an area of land that is adjacent to a stream river, lake or wetland, and contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent upland areas."

sensitive area — areas established under the *Forest Practices Code of British Columbia Act* by the district manager to manage or conserve unique or locally significant resource values.

statutory obligation — what range agreement holders must do under the law.

stubble height — the height of plants remaining after harvesting or grazing.

tags — ear markers for livestock. Issued by the regional or district manager if necessary to clarify animals that may be in trespass. Used in conjunction with branding, but not always required.

wildlife habitat area — a mapped area of land that a senior official from the Ministry of Environment, Lands and Parks and the chief forester have determined is necessary to meet the habitat needs of one or more species of identified wildlife.

Appendix — Legislation most pertinent to Crown range

Forest Practices Code of British Columbia Act

Section Number	Topic
4	Landscape unit objectives
5	Sensitive areas and objectives
9	Management plans
16	Range use plans: content
17	General planning requirements
27	Range use plans
34	Voluntary amendments
35	Amendment of an operational plan if it is unlikely to succeed
35 (3)	Amendment to range use plan because of special circumstances
39	Review and comment (for operational plans)
41	Approval of operational plans
44	Approval of range use plans for temporary grazing permits
43	Minor amendments
45	Protection of the environment
48	Ensuring soil rehabilitation
49	Exemption from rehabilitation
50	Use of planned fire
51	Previously unidentified resource features
52	Noxious weeds
68	Excavated or bladed trails
69	Natural range barriers
73	Range developments
74	Brands
75–95	Fire suppression responsibilities
98	Trespassing livestock
99	Unauthorized construction
100	Unauthorized cutting, removal, damage, or destruction of hay
101	Authorization of range development
105	Protection of recreation resources on Crown land
107–114	Inspection, stopping and seizure procedures and agreement holder's responsibilities (only parts of sections may apply to Crown range)
115	Forfeiture of hay
115	Forfeiture of livestock
117	Penalties
118	Remediation orders
123	Stop-work orders
127	Person affected by a determination may have it reviewed
128	Forest Practices Board may have determination or decision reviewed
129	Review

130 No appeal without a review
131 Appeal
138 Powers of commission
139 Decision of commission
140 Order for compliance
142 Limitation period
143 Fines
147 Order for compliance
149 Restitution
150 Continuing offence
152 Prosecution for unauthorized cutting or storage of hay
154 Interference, non-compliance and misleading
200 Fees
201 Security
206 Chief forester to establish standards
207 Operational plans
213 Use of Crown range and range developments

Operational Planning Regulation

Part 1 – Interpretation

Definitions

- biological diversity
- community watershed
- general wildlife measures
- identified fish
- identified wildlife
- known
- resource feature
- riparian management area
- riparian management zone
- riparian reserve zone
- snow course
- species at risk
- stream
- ungulate winter range
- wildlife habitat area
- wildlife habitat feature
- bladed trail

Part 2 – Administration

- Section 5 - best available information
- Section 7 - referral of operational plans
- Section 10 - notice of extension of an operational plan

Part 7 – Range use plans

- Section 52 - definitions
- Sections 52.1–52.4 - information provided by the district manager
- Section 53 - general content of range use plans
- Section 53.1 - grazing content
- Section 53.2 - hay cutting content
- Section 54 - unfenced grazing land
- Section 54.1 - amendment of range use plans
- Section 56, 57 & 58 - notice, review and comment

Part 8 – Riparian management areas

- Sections 59–64 - streams, wetlands and lakes

Part 9 – Community watersheds

- Sections 65 & 66 - community watershed designation

Part 10 – Green-up, ungulate winter range and identified wildlife

- Section 69 - ungulate winter range
- Section 70 - identified wildlife and general wildlife measures
- Section 71 - fish

Range Practices Regulation

Part 1

- Section 1 - definitions
- Section 2.1 - section 101 consents

Part 2 – Range Developments

- Section 3 - range developments in community watersheds
- Section 3.1 - section 101 consents
- Section 4 - seeding of exposed soil
- Section 5 - maintenance of range developments

Part 3 – Range Practices

- Section 5.1 - authorization under section 96 of the Act
- Section 5.2 - general wildlife measures
- Section 5.3 - excavated and blading trails
- Section 5.4 - exemptions under sections 74 and 101 of the Act
- Section 5.5 - range readiness criteria
- Section 5.6 - removal of livestock
- Section 6 - restrictions on operation of machinery
- Section 7 - livestock in community watersheds
- Section 7.1 - removal of livestock from an area under a silviculture prescription
- Section 8 - tagging

Part 4 – Enforcement

- Section 9 - sale of seized livestock
- Section 10 - offences

Security for Forest Practice Liabilities Regulation

- Section 2 - performance of range agreement holder's obligations (developments, maintenance, and obligations under a range use plan)
- Section 3 - return of security

Section 4 - offence

Administrative Remedies Regulation

A schedule of penalties that may be imposed for breaking the law.

Range Act

The *Range Act* grants the right to use Crown range/forage through the form of an agreement. The *Forest Practices Code of British Columbia Act* regulates how Crown range will be used (i.e., requirement to have a *Range Act* agreement and to have and abide by a range use plan).

General content:

- regional or district manager may grant licences and permits
- grazing licences
- grazing permits
- temporary grazing permits
- hay cutting licences
- hay cutting permits

- transfers
- suspensions
- cancellations

Range Regulation

General content:

- advertisement of licences and permits
- applications for grazing permits and licences
- applications for hay cutting permits and licences
- competition
- private land agreements
- fees
- transfers